

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

ERSTE-SPARINVEST  
KAPITALANLAGEGESELLSCHAFT  
m.b.H., Derivatively on Behalf  
of TELIK, INC.,

Plaintiff,

v.

MICHAEL M. WICK,  
CYNTHIA M. BUTITTA,  
MARC L. STEUER,  
EDWARD W. CANTRALL,  
ROBERT W. FRICK,  
STEVEN R. GOLDRING,  
MARY ANN GRAY,  
RICHARD B. NEWMAN,  
STEFAN RYSER,  
REINALDO F. GOMEZ,  
GAIL L. BROWN,  
and HERWIG VON MORZE,

Defendants,

and

TELIK, INC.

Nominal Defendant.

Civil Action No. 07-CV-7881 (CM)

FILED  
U.S. DISTRICT COURT  
2007 NOV 13 PM 3:06  
S.D.N.Y.

**MOTION TO ADMIT COUNSEL *PRO HAC VICE***

PURSUANT TO RULE 1.3(c) of the Local Rules of the United States District Courts for the Southern and Eastern Districts of New York, I, Seth D. Rigrodsky am a member in good standing of the bar of this Court, hereby move for an Order allowing the admission *pro hac vice* of:

Martha H. Rhodes  
Motley Rice LLC  
28 Bridgeside Boulevard  
Mount Pleasant, SC 29464  
Tel.: (843) 216-9000  
Fax: (843) 216-9430

Martha H. Rhodes is a member in good standing of the Bar of the State of South Carolina. There are no pending disciplinary proceedings against Martha H. Rhodes in any State or Federal Court.

Dated: November 5, 2007  
Wilmington, Delaware

Respectfully submitted,

**RIGRODSKY & LONG, P.A.**

By: 

Seth D. Rigrodsky (SR-9430)  
919 North Market Street, Suite 980  
Wilmington, DE 19801  
Tel.: (302) 295-5310  
Fax: (302) 654-7530

*Attorney for Plaintiff*

# The Supreme Court of South Carolina

## Certificate of Good Standing

I, Daniel E. Shearouse, Clerk of the Supreme Court of South Carolina, do hereby certify that Martha Rhodes was admitted as an attorney in this state on November 15, 2001, and is currently an active member of the South Carolina Bar.

DANIEL E. SHEAROUSE, CLERK

BY Gayle B. Watts  
DEPUTY CLERK FOR BAR ADMISSIONS

Columbia, South Carolina

October 26, 2007

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**AFFIDAVIT OF SETH D. RIGRODSKY  
IN SUPPORT OF MOTION TO ADMIT COUNSEL *PRO HAC VICE***

State of Delaware )  
 ) ss.  
County of New Castle )

Seth D. Rigrodsky, being duly sworn, hereby deposes and says as follows:

1. I am counsel for Plaintiff in the above captioned action. I am familiar with the proceedings in this case. I make this statement based on my personal knowledge of the facts set forth herein and in support of Plaintiff's motion to admit Martha H. Rhodes as counsel *pro hac vice* to represent Plaintiff in this matter.

2. I am a member in good standing of the State of New York, and was admitted to practice law in June 1991. I am also admitted to the bar of the United States District Court for the Southern District of New York, and am in good standing with this Court.

3. I have known Martha H. Rhodes since 2006.

4. Ms. Rhodes is an associate with Motley Rice LLC in Charleston, South Carolina.

5. I have found Ms. Rhodes to be a skilled attorney and a person of integrity. She is experienced in federal practice and is familiar with the Federal Rules of Procedure.

6. Accordingly, I am pleased to move the admission of Martha H. Rhodes *pro hac vice*.

7. I respectfully submit a proposed order granting the admission of Martha H. Rhodes, which is attached hereto as Exhibit A.

WHEREFORE, it is respectfully requested that the motion to admit Martha H. Rhodes, *pro hac vice*, to represent Plaintiff in the above-captioned matter, be granted.

Dated: November 5, 2007  
Wilmington, Delaware

Respectfully submitted,


**RIGRODSKY & LONG, P.A.**

By: 

Seth D. Rigrodsky (SR-9430)  
919 North Market Street, Suite 980  
Wilmington, DE 19801  
Tel.: (302) 295-5310  
Fax: (302) 654-7530

*Attorney for Plaintiff*

SWORN TO AND SUBSCRIBED  
BEFORE ME this 5th day of November, 2007.

  
Notary Public

**NOAH R. WORTMAN**  
**NOTARY PUBLIC**  
**STATE OF DELAWARE**

My Commission Expires: My Commission Expires April 4, 2008

# EXHIBIT A

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**ORDER FOR ADMISSION *PRO HAC VICE* ON WRITTEN MOTION**

Upon the motion of Seth D. Rigrodsky, attorney for Erste-Sparinvest Kapitalanlagegesellschaft m.b.H. and said sponsor attorney's affidavit in support:



**IT IS HEREBY ORDERED** that

Martha H. Rhodes  
Motley Rice LLC  
28 Bridgeside Boulevard  
Mount Pleasant, SC 29464  
Tel.: (843) 216-9000  
Fax: (843) 216-9430  
mrhodes@motleyrice.com

is admitted to practice *pro hac vice* as counsel for Erste-Sparinvest Kapitalanlagegesellschaft m.b.H. in the above captioned case in the United States District Court for the Southern District of New York. All attorneys appearing before this Court are subject to the Local Rules of this Court, including the Rules governing discipline of attorneys. If this action is assigned to the Electronic Case Filing (ECF) system, counsel shall immediately apply for an ECF password at [nysd.uscourts.gov](http://nysd.uscourts.gov). Counsel shall forward the *pro hac vice* to the Clerk of Court.

Dated: \_\_\_\_\_, 2007  
New York, New York

\_\_\_\_\_  
Colleen McMahon, U.S.D.J.

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

11/9/2007

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**PROOF OF SERVICE**

I, Seth D. Rigrodsky, hereby certify that on November 5, 2007, I caused a true and correct copy of the following document to be served via first class mail on the counsel listed below:

Motion and [Proposed] Order to Admit Counsel *Pro Hac Vice*  
Affidavit of Seth D. Rigrodsky In Support of Motion to Admit Counsel *Pro Hac Vice*

Jaime A. Levitt  
MORRISON & FOERSTER LLP  
1290 Avenue of the Americas  
New York, NY 10104

*Counsel for Defendants*

Dated: November 5, 2007  
Wilmington, Delaware

RIGRODSKY & LONG, P.A.

By: 

Seth D. Rigrodsky (SR-9430)  
919 North Market Street, Suite 980  
Wilmington, DE 19801  
Tel.: (302) 295-5310  
Fax: (302) 654-7530

*Attorney for Plaintiff*